

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)	Group Art Unit: 4177
)	
BRUCKER et al.)	Confirmation No. 3785
)	
Serial No. 10/575,318)	Examiner: Bosworth, Kami A.
)	
Filed: 11 April 2006)	Docket No. CV/03-014.PCT.US
)	
Title: CATHETER FOR DIAGNOSTIC)	
IMAGING AND THERAPEUTIC)	
PROCEDURES)	Date: 2 September 2008

MAIL STOP AMENDMENT
COMMISSIONER FOR PATENTS
P.O. Box 1450
ALEXANDRIA, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT
AND
PROPOSAL FOR ALTERNATIVE TO CLAIM GROUPS SET FORTH IN OFFICE ACTION

Dear Sir/Madam:

In an Office Action mailed 18 August 2008, the Examiner alleges that the application contains claims directed to several inventions. Specifically, on page 2, the Examiner stated that:

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-28 and 84-117, drawn to a catheter assembly having a shaft, hub, stem, porous section, and valve.

Group II, claim(s) 29-62, drawn to a catheter assembly having a stem, porous section, valve, and eliminates both recoil and whipping.

Group III, claim(s) 63-69, drawn to a catheter assembly having a restrictor and valve with circular base and conical wall.

Group IV, claim(s) 70-83, drawn to a catheter assembly having a stem, porous section, restrictor, and prevents axial and radial movement.

Group V, claim(s) 78-83 and 118-121, drawn to an injector system having an injector, porous section, and restrictor.

Applicants herein respond to the restriction requirement. (As a sidenote, Applicants point out that Group V above is listed as including claims 78-83 as well as claims 118-121." Applicants

proceed below on the assumption that presence of claims 78-83 in that group was a typographical error because only claims 118-121 are directed to an injector system.)

I. FORMAL RESPONSE TO THE RESTRICTION REQUIREMENT INCLUSIVE OF PROPOSAL FOR ALTERNATIVE TO GROUPS SET FORTH IN OFFICE ACTION

Formally responding to the restriction requirement, Applicants provisionally elect to prosecute the claims of Group I, namely claims 1-28 and 84-117, with traverse.

In traversing this requirement, Applicants herein propose an alternative to the groups set forth in the Office Action and, from this alternative scheme, elect an alternative group of claims for prosecution (i.e., Group A below). More specifically, upon closer review of the subject matter recited in the claims, Applicants respectfully submit that the one hundred-twenty one (121) claims of the present application are better allocated for assignment into the following alternative groups given the mandates of PCT Rule 13.1 and the language of 35 U.S.C. §121 and §372.

ALTERNATIVE GROUPS

Group A - Claims 1-28, 29-62, 63-69, 70-77, 78-82, 83

Group B - Claims 84-117

Group C - Claims 118-121

Should the Examiner agree with this proposal, Applicants elect to prosecute the invention(s) recited in the claims of Group A above. Applicants believe that the claims of Group A meet the unity of invention requirement because they relate to a single general inventive concept. Specifically, there is a technical relationship among all of the independent claims of this group, (i.e., claims 1, 29, 63, 70, 78 and 83) in that the inventions recited therein involve the same or corresponding special technical features as mandated by PCT Rule 13.2. These special technical features define a contribution which, the Applicants believe, each of the claimed inventions makes over the prior art of record. More

specifically, the special technical feature common to this group is the “*conically-shaped valve*” feature in claims 1, 29 & 63 and the “*restrictor*” feature corresponding thereto in claims 63, 70, 78 & 83.

- **Claim 1** recites a catheter assembly whose tip includes “*a conically-shaped valve with an apex thereof defining an opening and pointing in the proximal direction ... such that ... as the fluid flows within [the] catheter assembly and pressure increases within [the] tip ... [the opening decreases in size] so that the amount of fluid flowing [distally] out of [the] opening ... decreases....*”
- **Claim 29** recites a catheter assembly whose tip includes “*a conically-shaped valve with an apex thereof pointing in the proximal direction and defining an opening whose size generally decreases as [the] valve dynamically changes as pressure of the fluid within [the] tip increases....*”
- **Claim 63** recites a catheter assembly including “*a restrictor at a distal end thereof, [the] restrictor including a conically-shaped valve comprising ... a conical wall portion [whose] apex defin[es] an opening whose size generally decreases as [the] valve flattens out distally as pressure of the fluid within [the] restrictor increases....*”
- **Claim 70** recites a catheter assembly including “*a restrictor affixed to [the] distal end... , [the] restrictor defining an opening therein whose size generally decreases as [the] pressure of the fluid within [the] restrictor increases....*”
- **Claim 78** recites a catheter that has “*a distal segment ... having a restrictor..., [the] restrictor defining an opening therein whose size generally decreases as [the] pressure of [the] fluid within [the] restrictor increases....*”

- **Claim 83** recites a catheter including “*a restrictor approximate a distal end thereof, [the] restrictor defining an opening therein whose size generally decreases as [the] pressure of [the] fluid within [the] restrictor increases....*”

Upon close review of the Group A claims, Applicants believe that the “*conically-shaped valve*” feature in claims 1, 29 & 63 and the “*restrictor*” feature corresponding thereto in claims 63, 70, 78 & 83 indeed involve the “same or corresponding special technical features” as mandated by PCT Rule 13.2. The claims of Group A thus meet the unity of invention requirement set forth in PCT Rule 13.1

In view of the foregoing, Applicants respectfully request that their proposed alternative claim grouping scheme be accepted and, further, that their election of alternative claim Group A from that scheme be granted. Should the Examiner agree with the alternative grouping scheme proposed by Applicants, the claims of Group B and C will likely be pursued in divisional applications for patent.

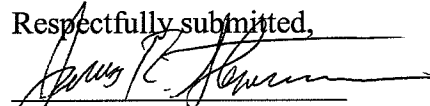
Applicants also wish to point out that the Examiner will suffer no “serious burden” if their alternative claim grouping scheme is accepted and their election of alternative Group A is granted. Given the similarity of the subject matter recited in the Group A claims, the search criteria will be identical for all claims within this alternative group of claims.

Should the Examiner disagree with the alternative grouping scheme proposed by Applicants, Applicants reiterate that they provisionally elect to prosecute the claims of Group I, namely claims 1-28 and 84-117, with traverse.

The Commissioner is hereby authorized to charge to Deposit Account No. 13-2530 any fees which may be required for consideration of this *Response To Restriction Requirement*.

If the Examiner has any questions regarding this *Response To Restriction Requirement*, he/she is invited to call the undersigned at the telephone number listed below.

Respectfully submitted,


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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being electronically filed with the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 2 September 2008.


Susan M. Lloyd